

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In the Matter of:

Berndex Nicholson and
Dolores Nicholson,

Chapter 13

Debtors.

Case No. 10-29107-pp

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Berndex Nicholson and Dolores Nicholson have filed papers with the Court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to modify the Plan as proposed, or if you want the Court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the Court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
518 E. Wisconsin Avenue
Room 126
Milwaukee, WI 53202-4581

If you mail your request to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

Todd C. Esser & Associates
11805 West Hampton Avenue
Milwaukee, WI 53225
Telephone (414) 461-7000
Facsimile (414) 461-8860

You must also mail a copy to:

Todd C. Esser & Associates
11805 West Hampton Avenue
Milwaukee, WI 53225

If you or your attorney do not take these steps, the Court may decide that you do not oppose the request and may enter an Order modifying the Plan.

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:

the Debtor(s);

the Chapter 13 Trustee;

the holder of an unsecured claim (Name _____) (post-confirmation modifications only).

2. This is a request to modify a Chapter 13 Plan (Select A or B):

A. post-confirmation

B. pre-confirmation (Select i. or ii.);

i. Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b));

or

ii. Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are:

3. The Proponent wishes to modify the Chapter 13 Plan to do the following:

Maintain Chapter 13 Plan feasibility.

4. The reason for the modification is: *See paragraph 3 above.*

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5. Select A. or B.

A. X The Chapter 13 Plan confirmed or last modified on October 19, 2010 is modified as follows:

B. _____ The unconfirmed Chapter 13 Plan dated _____ is modified as follows:

- i. **The Chapter 13 Plan payment shall be made through payroll deduction orders directed to the place of employment for each debtor as follows:**
 - a. **\$270 weekly through Berndex's employer;**
 - b. **\$60.00 bi-weekly through Dolores' employer.**

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. BY SIGNING BELOW THE PROPOSER OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.

CERTIFICATION

Complete one of the certifications below:

1. I/We, Berndex Nicholson and Dolores Nicholson, the Debtor(s) in this case, certify that
I/we have reviewed the modification to the Chapter 13 Plan proposed in this motion, and
I/we authorize my/our attorney to file it with the court.

Date: _____

Berndex Nicholson, Debtor

Date: _____

Dolores Nicholson, Debtor

OR

2. I, Steven E. Berg, attorney for debtor(s) Berndex Nicholson and Dolores Nicholson,
certify that I have reviewed the modification proposed above with the debtor(s) and that
the debtor(s) has/have authorized me to file it with the court.

Date: 7/31/2014

By Steven E. Berg
STEVEN E. BERG, Counsel for the Debtor(s)

WHEREFORE, the Proponent requests that the Court approve the modification to the
Chapter 13 Plan as stated herein.

TODD C. ESSER & ASSOCIATES
Attorneys for Debtor

Date: 7/31/2014

By Steven E. Berg
STEVEN E. BERG